THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17480 of 2007

Dated:20.08.2007

Between:

Vanapalli Narayana, S/o.Subba Rao,
and another.

…Petitioners

and

The Revenue Divisional Officer, Narsapuram,
West Godavari District,
and another.

…Respondents

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WRIT PETITION No.17480 of 2007

ORDER:

The petitioners filed the instant Writ Petition assailing the notice issued by the second respondent purportedly under Section 6 of the Andhra Pradesh Land Encroachment Act, 1905 (for short 'the Act'). It is their case that they are in occupation of small extents of land admeasuring Ac.0.01 cent to Ac.0.02 cents in R.S.No.248/2 situated at Madiwada Village of Akividu Mandal in West Godavari District, where they raised thatched huts, and without issuing any notice under Section 7 of the Act, the second respondent straightaway issued eviction notice/order under Section 6 of the Act.

After hearing the learned Counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General-A), this Court is convinced that though it is purportedly a notice issued under Section 6 of the Act, it is essentially one under Section 7 of the Act. Even otherwise, the same may be treated as the notice under Section 7 of the Act, and the petitioners are given liberty to submit explanation to the same within a period of ten days from the date of receipt of a copy of this order. After receiving the explanation, the second respondent shall pass orders in accordance with law. In case any adverse order is passed, liberty is given to the petitioners to prefer an appeal before the first respondent. As the matter is still pending at the stage of notice, unless and until the order is passed after considering the explanation of the petitioners, the petitioners cannot be evicted

from their land.

The Writ Petition is accordingly, disposed of. No costs.

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(V.V.S.RAO, J)

20.08.2007

Note: Issue C.C by tomorrow.

B/o.

vs